

REMARKS

In the Office Action the Examiner objected to claims 2, 29, and 35 primarily for typographical errors, rejected claims 34 and 36 under 35 U.S.C. 112, second paragraph, as being indefinite, rejected claims 1-5, 7, 9, 12, 13, 16-25, 29-33, and 35-39 under 35 U.S.C. 102 as being anticipated, rejected claims 10, 11, 26, and 27 under 35 U.S.C. 103 as being obvious, and indicated claims 6 and 8 were allowable. Claims 5, 23, and 36 have been canceled. Claims 1-4, 6-22, 24-35, and 37-39 remain in the application.

The minor errors in claims 2, 29, and 35 pointed out by the Examiner have been corrected by amendment.

The rejection for indefiniteness in claim 34 has been corrected by amendment. The rejection of claim 36 is moot in light of the cancellation thereof.

The rejection for anticipation was based on Janse. The rejection for obviousness was based on adding one of either Genter or Horna or on Janse alone. The allowability of claim 6 was described as being related to dividing ERLE by an ERLE ceiling. The allowability of claim 8 was described as being related to multiplying ERLE by a noise floor. Independent claims 1, 19, and 39 have been amended to now have a combination of elements that applicants believe is patentable based on the Examiner's comments. Similarly claim 7 has been amended to independent form and to also include a combination of elements that applicants believe is patentable based on the Examiner's comments.

Thus applicants submit that all of the independent claims have been amended to have a combination of elements that is patentable in a manner consistent with the Examiner's comments. Further, now that all of the dependent claims are dependent on such claims, the analysis of the dependent claims would be changed.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicants believe the application is in condition for allowance which action is respectfully solicited. Please contact the below-signed if there are any issues regarding this communication or otherwise concerning the current application.

Respectfully submitted,

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